

REASONS MOST HUMBLY OFFERED TO THE HONOURABLE

House of Commons in Parliament, by *Sr Robert Sharpeigh Knight*
and *Alexander Haisley Esquire*, Patentees for Survey of Sea-coales at New-

castle, &c. by nomination of the late Duke of *Richmond* and *Lenox*, proving the Grant

and Patents thereof to be necessary and profitable to the Common-wealth, the

Fee to be but competent and proportionable to the charge, and no imposition

being to any but a meer wage, or *quid pro quo*, voluntarily, offered to
be paid for the service.

Vpon petition to his Majesty of great abuses and deceits practised in corrupt mingling,
working, and venting of Sea-coales at and neere *Newcastle*, *Sunderland*, and *Blithe*, his
Majestie referred the same to the examination of his then learned Councell.

They certified the abuses and deceits to be verified by the Coale-Merchants, Woodmon-
gers, and Chandlors of *London*, who desired reformation thereof by way of Survey, and free-
ly consented to pay the Surveyors for such reformation, 4 pence the great Chaldron *Newcastle*
measure, being about 2 pence *London* measure.

Hereupon his Majesty by his Letters Patents, dat: 26 Febr: 13 *Iacobi*, for remedy of the
said abuses, erected an Office of Survey of Coales, and granted the same to Sir *Andrew*
Boyd Knight.

The Oastmen of *Newcastle* opposing the Grant, and denying the matter of fact, the same
was by the Lords of the Councell referred to a Legall triall in the Starchamber.

Where accordingly an Information was exhibited against the Oastmen and some Shippers,
and there (upon hearing of the cause) it appeared by oath of above twenty witnesses, that the
Oastmen of *Newcastle* (being the Coale-merchants there) did mingle one third part of low
prized Coales, of 4 shillings 6 pence, and 5 shillings the Chaldron, with two third parts of their
good Coales of 10 shillings 6 pence, and 11 shillings the Chaldron, and sold them so mingled
for the best Coales, and at the best price: For which fraud and abuse the Oastmen were (by the
decree of that Court, made 6 *May*, 16 *Iacobi*) censured, fined, and imprisoned, and their abuses
ordered to be published by reading of the same Decree two severall market dayes at *Newcastle*,
and the Shippers then also defendants were admonished not to use such fraud thereafter.

The said Patent by consent being afterwards re-called, and the new Grant made and passed
unto the Duke of *Richmond* and *Lenox*, but not under the great Seale, by reason of the op-
positions of the Oastmen and their Confederates, (who to maintaine their abuses and unjust
gaine thereby were the sole opposers) and thereupon the abuses still remaining, and complaints
thereof being made to his Majesty and the Lords of the Councell, by Shippers that brought
Coales, Woodmongers and Merchants that bought Coales, and Brewers and others that
spent Coales, the Lords of the Councell by order 1 *Augusti*, 20 *Iacobi*, appointed Surveyors
to be presently sent to *Newcastle* to make survey of the Colyary there, and to prevent the said
abuses in what they could, till a further course might be settled.

The Surveyors having taken paines therein, did in January following (by a booke and plot
of Survey) certifie their Lordships in particular, the number of Coale-pits good and bad, the
particular abuses practised in mingling of bad Coales with good, and such like; notwithstanding,
there were sufficient store of Mynes of good Coales to serve all posterity, and at farre lower
prices, if the Lords and owners of good Colyaries were not by the Oastmens Charter and
Monopoly debarred from venting their Coales to Ships and Shippers in and by the River of
Tyne, and Port of *Newcastle*.

XXV Marcij, 21 *Iacobi*, the Shipmasters then being in the Port of *Newcastle*, by their Let-
ters complained to their Owners of *London*, *Alborough*, *Harwich*, *Ipswich*, *Woodbridge*, *Col-
chester*, and other Townes, and their owners to the Lords of the Councell, That the said Oast-
men, their agents and servants, did then debarre them of a free marker, and of their accustomed
over-measure, and did and would inforce them to lade one third part of unfaleable Coales, not
fitting their Markets. Whereupon their Lordships wrote their Honourable Letters to *New-
castle*, 15 April following, commanding the Market there to be opened, and that some should
be sent vp to attend the Honourable Board, and to answer the Complaint.

The

13 *Iacobi* the first
petition referred
by the King to his
learned Councell.
Their Certificate
of the abuse desi-
red to bee refor-
med, with con-
sent to pay the
fee.

Letters patentes
26 Feb. 13 *Iacobi*,
granted.

Oastmen oppose
and deny the fact.
One third part of
base coales mixt
and sold with and
for the best, and
best price, proved.
1. By prooffe and
decree of the Star
chamber 6 *May*,
16 *Iacob*.

By order of the
Lords of the Coun-
cell 1 *Aug*: 20 *Iac*.
Surveyors sent to
Newcastle.

2 By the Survey-
ors returne of a
plot and booke of
all the coale-pits
and abuses then
found 9 *Januarij*
20 *Iacob*.

3. By the Ship-
pers letters & pe-
titiō to the Board
in March 1623,
and their Lord-
ships letters 15
April, 1623.

What quantity of coales are given and never entered by the Oastmen & Shippers confession, & why.

Inferences from the premisses.

1. Oastmen doe gain by their mixture one sixt part of their whole price, viz. 1400 *l.* *per annum* there. And the spending buyers lose above twice so much, and the reasons why, and manner how.

2. The Kings loss of custome by the fraudulent packing of the Oastmen and Shippers to ver base coales. The subject much wronged by slate, stone, &c. passing amongst coales, which the Surveyors doe remedie, and the benefit thereof.

What base pan-coale-pits have beene layd in frō work by the Surveyors vigilancy since Aug: 1622, and the prevention of deceitfull mixture thereby.

How much the Oastmen and masters of ships have improved their estates by this fraud.

The Surveyors fee but competēt.

The Oastmen 7 May 1623, answering in writing, alledged to their Lordships, that they (by the covetousnesse of the Shippers had beene forced to give away 12, 16, and sometimes 20 Chaldrons in a Ships lading, and two Chaldrons in a Keeles lading of 9 or 10 Chaldrons burthen. The owners of Ships in their replication thereunto in writing, shewed that such quantities of gift-coales were allowed in respect of the basenesse and deceitfull mixture of the Coales vpon that allowance taken and vented. ~~The gift-coales by the Oastmen only given to the Shippers, and not to the buyers, and the buyers are deceived by their own confession, which sheweth the generality of the abuse, and the subjects losse thereby.~~

Vpon due examination of many particulars herein, it was demonstrated to their Lordships, and may appeare as followeth.

First, That a third part of low prized Coales being mingled with two third parts of good Coales, and sold for the full price of good Coales, doe cost above one sixt part of the prices being sold apart: as for example; Two Chaldrons at 10 shillings *per* Chaldron, and one chaldron at 5 shillings, comming but to 25 shillings apart, are sold (being mingled) for 10 shillings the Chaldron round, viz. for 30 shillings, and being sold for 10 shillings 6 pence, or 11 shillings the Chaldron, the losse is more to the buyer: This sixt part or above (they venting yearly one hundred and threescore thousand Chaldrons, or sixteene thousand Tennes, as the Oastmen confesse in their said answer, which at 10 shillings 6 pence yeeld them fourscore and foure thousand pounds) bring in by this fraud to the Oastmen fourteene thousand pounds *per annum* unjust gaines: And the Newcastle measure being almost double to London measure, and the prices also increasing, the subjects losse is at the least thirty thousand pounds *per annum* to the buyers and spenders of coales, besides the making of them oftentimes unserviceable by such mingling and fraud.

Secondly, That by the Oastmen and Shippers thus combining and masking their fraud under pretence of over-measure and gift-coales, the King is deceived in his Customes: which abuses and wrongs both to King and subject, so much and so continually petitioned against, hath beene cause of the expence of much money, and of great paines and labour taken by the prosecutors for reformation, as is herein specified.

Besides the prevention of the foresaid losses by mixture, to King and subject, it is by experience found and certified, that by the paines and care of the Surveyors in looking to the workes and workmen, slate, stone, mettall, and unfuellable stuffe, is and may be separated and wealed out of the Coales, which formerly have passed unseparated, and beene sold in and with the Coales for ten or twelue thousand pounds *per annum*, though worth nothing of themselves: for since the Surveyors appointed by the Lords, 1 Augusti, 20 Iacobi, above 8000 Chaldrons of slate-stone and unfaleable stuffe *per annum* more then formerly have beene wealed out of Coales by their care and authority given them, being but a few men. And also since the Patentee hath placed and imployed a competent number of officers for that service, like unfuellable stuffe hath beene wealed out of the coales there, to at least a double proportion of what the Surveyors appointed by the Board had formerly caused to be cast out as aforesaid.

And further, touching the prevention of mixture of base and good Coales by the service of the said Surveyors appointed by the Honourable Board, it shall be made cleere to this honourable House, that at the time of the said Surveyors comming to Newcastle in September 1622, there were 42 base pan Coale-pits working, and lately laid in from worke, and now when the Patentee came downe in January last, there were but about 12 base pan coale-pits in worke, all the rest being then laid in from worke, which whether they may and will be set on worke againe, if there shall not be officers continued for prevention, is humbly left to examination and the grave consideration of this Honourable House, the small or rather no reformation caused by the foresaid censure and command of the high Court of Star-chamber being duly considered.

All which abuses are the greater, in regard they are in a commodity so common and usefull, that people cannot live without the same. And the Oastmen have so enriched themselves by such abuses, and not by the true gaines of their profession, that some of them are growne to be worth 20000 pound, some 30000 pound, and some 40000 pound, as by depositions & the said Decree appeareth. Shipmasters likewise combining with them, make such gaine by this fraud, as in one yeares trading of servants to their owners, they become part owners of one eight, one fourth, or one halfe of their Ship, as was avouched lately by Newcastle men.

And as touching the Officers fee, it is but competent and proportionable to the charge layd out for discovering, and which is and must be laid out for reformation of the abuses, as may appeare. For the whole vent of Coales yearly made in and by the Port of Newcastle, according to the Oastmens foresaid answer being about sixteene thousand tens, or one hundred and

60. thousand Chaldrons, for which the fee of 4 pence the Chaldron amounteth to about two thousand and six hundred pounds yearly. Strangers are excepted from payment of the said fee. The whole profit then which in any probability can by true calculation be conceived yearly to come to the Surveyors, cannot be above two thousand, or one and twenty hundred pounds *per annu* at the uttermost; which summe is not the tenth part of what the Oastmen make by their deceits, and not a twentieth part of what the Common-wealth shall gaine by the reformation.

The execution of the office will require 42 persons at least, most of them of good quality and trust, to be attendant respectiely upon their places of charge at the cole-pits, on the wharfs and water, at the salt-pannes and on Ship-board, at all tides and times of working and cariage, or lading of Coales, by night or by day, on land or water, who cannot be well maintained under 1300 pound *per annum*, and without the said officers, true reformation cannot be made.

The money spent in the discovery of the abuses, suits of Law, touching the same against the Oastmen, who all this time opposed by practices the reformation justly desired, and maintaining men in that service of Survey for a long time by direction of the Lords of the Privy Councell, upon their Lordships order that recompence should be given, hath cost 5000 pounds at least, which how the benefit of the whole fee above the charge of the officers imployed will satisfie, and with what remainder for the Kings intended bounty to the Grantee, is humbly left to consideration. No benefit having beene made, nor fee received by the prosecutors or officers imployed for the service and expences aforesaid, since the beginning of this sute, which was above eight yeares sithence, save onely 7 shillings.

The Lords of the Councell upon many petitions, propositions, and offers, made under the hands of severall Companies in *London*, and other Coast townes traders in Coales, and many hearings of all parties, and divers reports upon references to Honourable Committees of the same Board, finding the greatnesse of the abuses and necessity of reformation, and the complainants in this case offering to lay the charge of the officers fee upon themselves and such like buyers, without charging the subject in generall; as also in the behalfe of the towne of *Newcastle*, Master *Warmouth* their Solicitor, willingly consenting to any course for reformation of the said abuses, did by order of that Honourable Board confirme the said former course of Surveyors as most fitting: adding thereunto a caution for restraint of mingling good and base coales after they came from *Newcastle*, which the Surveyors by officers and wayters to be kept and attendant at *London*, also will see there performed. And likewise that the Surveyors shall make good the Merchants damages for Coales mis-certified: And that for want of due execution or abuses of survey the Office should be voyd.

After all which, upon some exceptions made, and referred to the Kings now Attorney and Solicitor generall, and upon their examination thereof, and direction therein by their Certificate of what they did hold fitting both for the King and subject in that case.

The same Office by Letters Patents bearing date the twentieth day of September 1623, was accordingly passed to the late Duke of *Richmond* and *Lenox*, and to such Patentees as his Lordship did nominate; the other Letters Patents thereof being surrendred and made void.

It is conceived, That the same Grant is good, the Office well erected, and the Fee well raised, and that the same Fee is no Imposition contrary to the Law, since great profit by the Officers attendance ariseth to the Common-wealth: In which case it is reason the Officers should haue *quid pro quo*, somewhat for their paines. Besides, it is by consent of the greatest traders in and spenders of Sea-coales, and their voluntary offer not to charge it againe upon the subject buying by retaile.

And therefore this Patent being thus made for the good, and at the sute and offer of the subjects grieved for the suppressing of so great abuses, whereby such benefit will grow both to King and Subject, as aforesaid, and the Merchandize and commodity of Coales being bettered and advanced thereby, and Coales becoming more serviceable and generally ysefull for all mens provision of Fuell, whether trade and traffique therein, and thereupon, the Shipping and Navigators of this Kingdome will be increased or no, and wood preserved; and whether the Patent in respect of the premises be fit to be maintained and ratified or no, It is humbly submitted to the consideration and great wisdom of this Honourable House.

All the particulars herein, and inferences thereupon, shall appeare by proofes, and cleare demonstrations out of the same.

What the fee is of 4 pence the chaldron for the whole vent, what to the Surveyors.

42 officers imployed in the execution of the office, whose wages amounts to 1300 pound *per annum*. Money formerly spent in this business by the prosecutors of the reformation, five thousand pound & what surpluse may remaine for the Grantees, the office and debts being discharged.

After many petitions, propositions, and offers, made by complaynants and hearings taken of all parties, what course the Lords of the Councell advised & set downe, and with what cautions, limitations, and reservations.

A reference to the Kings learned Councell, & their Certificate.

The Kings Grant made accordingly.

The Grant conceived to be good and the fee well raised: and that it is no imposition.

A conclusive inference & humble submission of and in the premises.